

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW NICKELS,

Defendant.

Case No. 23-cr-20434

Hon. Laurie J. Michelson

EXHIBIT B

Judge Laurie J. Michelson
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 737
Detroit, MI 48226

July 2, 2024

Victim Impact Statement

Submitted by Lawrence Norden and Elizabeth Howard in Support of Tina Barton to Judge Laurie J. Michelson

We write this letter in our personal capacities, having known Tina Barton for almost a decade as colleagues and friends, first though our work with her as an election official while we served as attorneys at the Brennan Center for Justice at New York University School of Law, and more recently in partnership with her in creating and assisting the Committee for Safe and Secure Elections, a transpartisan group of law enforcement and election officials who aim to support policies and practices that protect election workers and voters from violence, threats, and intimidation.

There are approximately 8-10,000 local election officials in America.¹ The typical local election official is a woman, aged 50-64, who makes about \$50,000 per year.² In fact, 80% of our country's local election officials are women.³ They administer the elections for your city mayor, county commissioners, congressmembers, and president. The individual members of this corps of dedicated public servants are the backbone of our democracy. And they are under attack.

While the 2020 election is long over, election officials from Alaska to Michigan to Florida continue to face the scary effects of the ongoing barrage of false allegations about their work and our election administration system. These effects include credible death threats, which are contributing to other serious concerns, such as the growing number of election officials leaving their positions, that increase the fragility of our democracy. As U.S. Deputy Attorney General Lisa has explained, “A threat to any election official, worker or volunteer is, at bottom, a threat to our democracy.”⁴ Effectively combatting these threats and safeguarding our democracy will require a whole of society approach. Government agencies, Congress, state legislatures, the courts, the private sector, non-governmental organizations and individuals all have important roles to play in this effort.

¹ Natalie Adona, Paul Gronke, Paul Manson, and Sarah Cole, *Stewards of Democracy: The Views of American Local Election Officials*, Democracy Fund, 2019, https://democracyfund.org/wp-content/uploads/2020/06/2019_DemocracyFund_StewardsOfDemocracy.pdf (“Depending on how you count, there are between 7,8586 and 10,3707 local election jurisdictions across the country.”).

² Id.

³ Paul Gronke, Paul Manson, Jay Lee, and Heather Creek, “Pursuing Diversity and Representation Among Local Election Officials,” Democracy Fund, May 20, 2021, <https://democracyfund.org/idea/pursuing-diversity-and-representation-among-local-election-officials/>.

⁴ David Nakamura, “Justice Department warns against threats to voting rights, election workers” *Washington Post*, May 13, 2024, <https://www.washingtonpost.com/national-security/2024/05/13/justice-department-warns-against-threats-voting-rights-election-workers/>.

In some ways, Tina Barton is now simply a statistic. She, like 1 in 6 local election officials, has been threatened.⁵ She, like almost 1 in 5 LEOs, left her position after the 2020 election.⁶ She, like nearly 3 in 4 LEOs, believes that threats against her colleagues around the country have increased in recent years.⁷ And she, like almost every election official in our country, was exhausted after the 2020 election, which they had conducted safely and securely despite a pandemic and a toxic disinformation environment, among other challenges.

But Tina is no statistic. As an election official, she was a leader, role model, and valued colleague in the global elections community. She was a member of the executive boards of the Michigan Association of Municipal Clerks and the Oakland County Clerks Association. She was on the training team of the International Institute for Municipal Clerks. She worked with multiple state and national organizations dedicated to voting and civil rights, serving as a trusted resource. She presented at conferences and events, promoting best practices and commonsense solutions in election administration, across the United States and Canada.

Tina's tireless dedication to her colleagues is one reason why she was asked to volunteer to assist her fellow election administrators in a different state, who were facing an unprecedented statewide handcount, in the weeks following the 2020 election. Shortly before she left Michigan to help others, Mr. Nickels threatened to kill her and her family.

While away from home doing this important work, she first shared the voicemail with shocked and horrified friends and colleagues. Unfortunately, we soon learned that Tina was not alone. And resolve to prevent and deter these threats has largely replaced the shock and horror. While it was a significant loss to the community when Tina left the profession, she did not abandon election officials. She is a critical partner in the work to keep our election officials – and our democracy – safe. When she realized that many who were threatened were too scared to speak publicly, she agreed to share her story. Despite the potential for increased danger to her and her family, she allowed the media and pro-democracy organizations to use the recording of Mr. Nickels threatening to kill her to help increase awareness of what many others were facing and support measures aimed at ensuring all election workers can do their jobs free from threats and intimidation.

Michigan legislators heard the recording prior to passing laws that strengthened penalties for threatening election officials. Legislators in multiple other states likely also heard it prior to passing laws to strengthen protections for our election officials in their states. And it's possible that U.S. Attorney General Merrick Garland heard the recording prior to announcing the launch of the Department of Justice's Elections Threats Task Force. These actions are important steps toward preventing threats – or worse – against our election officials.

⁵ Brennan Center for Justice, Local Election Officials Survey – May 2024, May 1, 2024, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024>.

⁶ Brennan Center for Justice, Local Election Officials Survey – April 2023, April 25 2023, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-april-2023>

⁷ Id.

Tina continues to serve the election administrator community. For example, she became one of the founding members of the [Committee for Safe and Secure Elections](#), which is supported by the Brennan Center for Justice, R Street Institute, Protect Democracy, and The Elections Group. It is a group of law enforcement and election officials who aim to support policies and practices that protect election workers and voters from violence, threats, and intimidation. The Committee also works to build relationships and trust between these communities to better equip both to prevent and respond to threats and violence against voters and election workers.

Community support and laws protecting our election administrators are key components to stemming the tidal wave of threats against these stewards of our democracy. Holding those who violate the laws which protect our election officials accountable is another key component of safeguarding our democracy. We trust this court to make a sentencing decision that will properly balance justice with the harm inflicted on Tina Barton, her family, her community, and our democracy.

Sincerely,

Lawrence Norden
Senior Director, Elections & Government Program
Elizabeth Howard
Deputy Director, Elections & Government Program
Brennan Center for Justice*

*Title and organization provided for identification purposes only.